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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN JOSE DIVISION

| | |
|--------------------------------|----------------------------------|
| 14 In re AFFYMETRIX DERIVATIVE |) No. C-06-05353-JW |
| 15 LITIGATION |) |
| 16 This Document Relates To: |) JOINT CASE MANAGEMENT |
| 17 ALL ACTIONS. |) STATEMENT |
| |) ORDER VACATING CASE |
| |) MANAGEMENT CONFERENCE; |
| |) SETTING HEARING FOR |
| |) PRELIMINARY APPROVAL OF |
| |) CLASS SETTLEMENT |

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On December 19, 2008, the parties participated in an all day mediation session with mediator Mr. Anthony Piazza, at which time certain agreements were reached regarding a resolution of this matter. The parties are now drafting the appropriate settlement documentation. The parties presently anticipate being able to complete the documentation of the settlement and to seek preliminary approval of the settlement by April 15, 2009.

Accordingly, the parties respectfully request that the case management conference scheduled on March 23, 2009, be continued until April 15, 2009, at which time the Court may consider whether preliminary approval of the settlement should be granted.

9 | DATED: March 12, 2009

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Lead Counsel for Plaintiffs

1 DATED: March 12, 2009

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8 *I, Benny C. Goodman III, am the ECF user whose ID and password are being used to file
this JOINT CASE MANAGEMENT STATEMENT. In compliance with General Order 45, X.B., I
hereby attest that Arthur J. Burke has concurred in this filing.*

10 DATED: March 12, 2009

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hereby attest that Peter E. Root has concurred in this filing.*

19 DATED: March 12, 2009

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this JOINT CASE MANAGEMENT STATEMENT. In compliance with General Order 45, X.B., I
hereby attest that Jeffrey M. Kaban has concurred in this filing.*

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1 ***** ORDER *****

2 In light of the parties' representation, the Court VACATES the Case Management
3 Conference presently set for March 23, 2009 and sets **April 27, 2009 at 9 a.m.** as a hearing date
4 for Preliminary Approval of Class Settlement. On or before **April 17, 2009**, the parties shall file
5 all the necessary documents for the Court's review in preparation for the April 27 hearing.
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7 Dated: March 18, 2009

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9 JAMES WARE
United States District Judge

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